

**NURSING HOME ADMINISTRATOR EXAMINING BOARD
TELECONFERENCE MINUTES
NOVEMBER 5, 2009**

PRESENT VIA TELEPHONE: Mary K. Lease, Kenneth Arneson, Mary Ann Clark, David Egan,
Susan K. Kinast-Porter

PRESENT: Paul H. Peshek, Mary R. Pike

EXCUSED: Earlene M. Ronk, Heather L. Sheehan, Loreli Dickinson

STAFF PRESENT: Gail Sumi, Bureau Director; Ruby Jefferson-Moore, Legal Counsel; Karen Rude-Evans, Bureau Assistant; other Department staff were present for portions of the meeting

GUESTS: None

CALL TO ORDER

David Egan, Chair, called the meeting to order at 9:35 a.m. A quorum of seven (7) members was present.

AGENDA

Amendments to the Agenda

- After Item “C” insert ASSEMBLY BILL 526 for discussion
- Item “M” – Harold R. Morris is not making an appearance as scheduled. The Administrative Warning stands as issued.

MOTION: Mary Ann Clark moved, seconded by Susan Kinast-Porter, to approve the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES (AUGUST 6, 2009)

MOTION: Kenneth Arneson moved, seconded by Mary Ann Clark, to approve the minutes of August 6, 2009 as published. Motion carried unanimously.

ELECTION OF OFFICERS

MOTION: Kenneth Arneson moved, seconded by Susan Kinast-Porter, to retain the current officers for 2010. Motion carried unanimously.

2010 ELECTION RESULTS	
Chair	David Egan
Vice Chair	Mary Ann Clark
Secretary	Mary Lease

David Egan made the following appointments:

- Screening Panel – Mary Ann Clark
- Monitoring Liaison – Kenneth Arneson
- Education and Examination Liaison – David Egan
- Travel Liaison was tabled

ADMINISTRATIVE REPORT GAIL SUMI, DIVISION ADMINISTRATOR

Discussion and Adoption of Proposed 2010 Meeting Dates

MOTION: Mary Lease moved, seconded by Mary Ann Clark, to adopt the 2010 meeting dates as proposed. Motion carried unanimously.

The 2010 meeting dates and times are:

February 4	Screening and Meeting	9:00/9:30
May 12	Screening and Meeting	9:00/9:30
August 5	Screening and Meeting	9:00/9:30
November 11	Screening and Meeting	9:00/9:30

One of these meetings will be held via teleconference. The Department is going paperless as much as possible. Kenneth Arneson suggested that both screening and cases for each case advisor could be sent electronically.

Fairfield Inn and Suites:

The Department has contracted with the new Fairfield Inn and Suites for board member accommodations for 2010.

Staffing Changes:

Ruby Jefferson-Moore announced that she will be retiring on November 20, 2009. She has worked with the NHA Board for 21 years. She has enjoyed working with the board and all the members. The Board wished her well and thanked her for all her service and expertise. Colleen Baird will be taking over as legal counsel.

Attorney Peggy Wichmann and paralegal Joel Garb are also retiring. Susan Bird, Senior Examinations Specialist, will be leaving the Department in the near future. The Medical Examining Board was successful in obtaining money in the state budget to have designated staff within the Department and this will add additional staff positions and will help with the workflow.

PRESENTATION OF PROPOSED STIPULATION

BROOK SULLIVAN, NHA (06 NHA 011)

DOE attorney Jim Polewski presented a proposed stipulation in the disciplinary matter regarding Brook Sullivan, NHA. This matter will be deliberated in closed session.

LEGISLATIVE/ADMINISTRATIVE RULES

Review and Deliberation of LRB 3464/1, relating to the requirements for examinations for nursing home administrator licenses and for reciprocal nursing home administrator licenses, creating an exemption from such requirements, and granting rule-making authority.

The Board reviewed and discussed LRB 3464/1 and made the following changes:

- On page 7 of the draft – **delete** line 25
- On page 8 of the draft – **delete** lines 1-13
- On page 10 of the draft – **delete** lines 14-17 and **replace with** the same wording on page 6, lines 15-19.
- On page 10 of the draft – **delete** lines 23-25 and **replace with** the same wording on page 5, lines 24-25 and page 6, lines 1-5.

MOTION: Susan Kinast-Porter moved, seconded by Mary Ann Lease, to approve the changes as discusses and to authorize David Egan and Ken Arneson to represent the Board and approve the final draft. Motion carried unanimously.

David Egan and Ken Arneson will contact legislators to solicit support for this draft and the changes made today.

Review and Discussion of 2009 AB 526

The Board reviewed the information.

MOTION: David Egan moved, seconded by Ken Arneson, to have the Board go on record as opposing 2009 Assembly Bill 526 as adequate safeguards are already in place to protect the public. Motion carried unanimously.

MOTION: Ken Arneson moved, seconded by Susan Kinast-Porter, to authorize David Egan to represent the Board and the Board's position at any hearings or conversations regarding Assembly Bill 526. Motion carried unanimously.

MOTION: David Egan moved, seconded by Mary Pike, to forward the Board's written opinion to the authors of Assembly Bill 526 and to the members of the committee to which this bill has been referred, and to authorize Gail Sumi to sign the letter on behalf of the Board. Motion carried unanimously.

EXAMINATION, EDUCATION AND EXPERIENCE ISSUES**EXAMINATION REVIEW PROCESS AND DISCUSSION OF UPCOMING TIMELINE FOR THE NEXT REVIEW**

Susan Bird, Senior Examinations Specialist, addressed the Board regarding the timeline for the next examination review. A comprehensive examination review was done in the fall of 2007. PES suggests a three-year review cycle, thus making the timeline for the next review the fall of 2010.

TRAVEL**Report from David Egan Regarding the National Association of Long Term Care Administrator Boards (NAB) Conference October 28-30, 2009, in New Orleans**

David Egan reported on the NAB mid-year meeting held October 28-30, 2009 in New Orleans. Examination performance and NAB action plan and goals were reviewed. NAB has also drafted a model practice act for residential care/assisted living facilities, and David Egan will forward that to the Department.

NEW BUSINESS

None.

PUBLIC COMMENTS

None.

CLOSED SESSION

MOTION: Susan Kinast-Porter moved, seconded by David Egan, to convene to closed session to deliberate on cases following hearing (s. 19.85(1)(a), Stats.; to consider licensure or discipline (s. 19.85(1)(b), Stats.; to consider individual histories or disciplinary data (s. 19.85(1)(f), Stats.; and, to confer with legal counsel (s. 19.85(1)(g), Stats.: Susan Kinast-Porter-yes; Kenneth Arneson-yes; David Egan-yes; Mary Lease-yes; Mary Pike-yes; Mary Ann Clark-yes. Motion carried unanimously.

Open Session recessed at 11:29 a.m.

RECONVENE TO OPEN SESSION

MOTION: David Egan moved, seconded by Mary Lease, to reconvene to open session. Motion carried unanimously.

Open Session reconvened at 12:17 p.m.

VOTING ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

CASE CLOSINGS

09 NHA 014

MOTION: David Egan moved, seconded by Mary Ann Clark, to close case **09 NHA 014** for compliance gained. Motion carried unanimously.

09 NHA 019

This item was tabled to the next meeting.

06 NHA 021

MOTION: David Egan moved, seconded by Susan Kinast-Porter, to close case **06 NHA 021** for compliance gained. Motion carried unanimously. Paul Peshek was excused and left the room during deliberation.

09 NHA 037

MOTION: David Egan moved, seconded by Mary Ann Clark, to close case **09 NHA 037** for compliance gained. Motion carried unanimously.

MOTION: David Egan moved, seconded by Mary Pike, to authorize Gail Sumi to sign the case closing on behalf of the Chair. Motion carried unanimously.

09 NHA 002

MOTION: David Egan moved, seconded by Susan Kinast-Porter, to close case **09 NHA 002** for no violation. Motion carried unanimously.

09 NHA 028

MOTION: David Egan moved, seconded by Susan Kinast-Porter, to close case **09 NHA 028** for compliance gained. Motion carried unanimously.

09 NHA 047

MOTION: David Egan moved, seconded by Mary Ann Clark, to close case **06 NHA 047 against G.H., NHA**, for compliance gained. Motion carried unanimously.

MOTION: David Egan moved, seconded by Mary Ann Clark, to close case **06 NHA 047 against J.H., NHA**, for no violation. Motion carried unanimously.

ADMINISTRATIVE WARNING

06 NHA 043

MOTION: David Egan moved, seconded by Susan Kinast-Porter, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the matter concerning 06 NHA 043. Motion carried unanimously.

DOE – Signatures for Proposed Stipulations, Orders, and Administrative Warnings

Signatures were collected for all required items.

ADJOURNMENT

MOTION: David Egan moved, seconded by Susan Kinast-Porter, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 12:17 p.m.